

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Procedures to Govern the Use of Satellite Earth)	
Stations on Board Vessels in Bands Shared)	IB Docket No. 02-10
With Terrestrial Fixed Services)	
)	

**COMMENTS OF
MARITIME COMMUNICATIONS SERVICES, INC.,
A SUBSIDIARY OF
HARRIS CORPORATION**

Maritime Communications Services, Inc. (“Harris MCS”), a wholly-owned subsidiary of Harris Corporation (“Harris”), by its undersigned counsel, files these comments in response to the Notice of Inquiry (“Notice”) issued by the Federal Communications Commission (“FCC”, or the “Commission”) in the above-referenced docket.¹ As a provider of both the hardware and the communications systems used by vessels requiring broadband telecommunications services with global coverage, Harris MCS is very familiar with the operations of earth stations aboard vessels (“ESVs”) and with the technology on which they rely.

Harris MCS believes that at this time it would be premature for the Commission to adopt rules and regulations addressing the licensing of ESVs. As a well-established telecommunications company, Harris MCS is willing to accommodate reasonable regulation that the Commission establishes to further its public interest mandate. However, Harris suggests that the Commission defer holding additional proceedings concerning ESV regulation at this time

given that there appear to be no existing interference problems that need to be addressed immediately and that various committees of the World Radio Conference (“WRC”) are currently working on ESV technical issues in preparation for the next WRC meeting. In this context, it is neither necessary nor appropriate for the Commission to commence a regulatory proceeding that would waste scarce Commission resources and limit or potentially shut down existing services that provide important public interest benefits. Nonetheless, Harris MCS remains committed to working with the Commission and other interested parties to address ESV issues in a mutually satisfactory manner.

I. BACKGROUND

Harris MCS is a wholly-owned subsidiary of Harris Corporation, headquartered in Melbourne, Florida. It provides a variety of products and services, including wideband communication services for vessels ranging from oceanographic survey ships to cruise liners. The service is operated via the Harris Network Management Center (“NMC”) in Melbourne, the hub of the Harris MCS worldwide telecommunications network. The NMC continuously monitors all of Harris’s global circuits on a 24 x 7 basis.

Harris MCS would be substantially affected as both a manufacturer and as a service provider by any new licensing regime for ESVs adopted by the Commission, and Harris therefore has a substantial interest in the outcome of this proceeding.

II. DISCUSSION

A. Importance of C-Band ESV Service

As the Commission is well aware, ESVs provide an important communications service to ships both on the high seas and cruising near shore. Not only do they provide gateways to the

¹ Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in Bands Shared with Terrestrial Fixed Service, IB Docket No. 02-10, *Notice of Inquiry*, FCC 02-18 (released Feb. 4, 2002) (“*NOI*”).

land-based public switched network (“PSTN”) to offer passengers and crew full access to global communications services, but also they transmit broadband mission-critical data essential to ship operations and services. Real-time transmission of broadband data on a continuous basis wherever a ship is located on the globe is essential to oceanographic survey vessels. Cruise ships need to transmit data essential for passenger check-in and check-out, inventory replenishment, and billing both when a ship is in the middle of the ocean and when it approaches or is docked in port. C-band ESV services, with their global footprints and resistance to weather-related outages, have become an essential existing service.

B. Technical Restrictions Are Neither Necessary Nor Appropriate at This Time.

There appears to be no record of harmful frequency interference caused by ESVs. Nonetheless, in its *NOI*, the Commission has raised the specter of new regulatory barriers that could cut off this existing service, currently relied on by users each day. For example, the *NOI* suggests that the Commission could eliminate interference concerns simply by restricting ESVs to receive-only operations.² That would certainly be true — for there would be no service at all. Neither such draconian measures, nor other restrictive regulatory measures suggested by the *NOI*, however, are either necessary or appropriate.

One fact emerges from the extended record of consideration of ESV issues at the Commission: there have been virtually no instances of even reasonably suspected, much less documented, interference to terrestrial fixed wireless service (“FS”) operations. Accordingly, Harris MCS suggests that there is no compelling reason to initiate a comprehensive new regulatory regime that could effectively limit an existing service that provides important public interest benefits.

² *Id.* at para. 24.

Harris MCS is particularly concerned that any premature regulation would have the unintended effect of suppressing the further development of technology and services that provide important public interest benefits. Rules that impose rigid technical specifications on ESVs frustrate innovation. In that regard, Harris MCS does not support the imposition of restrictions on antenna diameter, elevation angle, etc., absent clear scientific evidence of a correlation between each factor and interference with terrestrial C-band systems. With ESV technology constantly advancing, such static restrictions could unduly hamper the growth of this emerging industry without guaranteeing the FCC's desired non-interference with the FS. Should ESV restrictions become necessary, Harris MCS favors a more dynamic, multi-factor "sliding-scale" that would adjust individual restrictions according to the *cumulative* potential for interference.

Harris MCS also strongly opposes proposals to require dual Ku-band/C-band operations, with only Ku-band operations permitted for some distance beyond U.S. territorial limits.³ Not only does this raise serious questions about the potential exercise of extraterritorial jurisdiction by the U.S., but also, as a practical matter, it would impose a requirement that would foreclose most ESV service. Due to such factors as deck space constraints, excessive and duplicative spectrum and other costs, and operational complexity, such dual-mode operations are simply not feasible. Also, given our Nation's increased security concerns, Harris MCS cannot support making available on the Internet real-time information about ship movements and locations, particularly in coastal areas and ports.⁴

To date, the Commission's non-interference regulatory approach, consistent with international law, has been very effective in promoting the compatible co-existence of both

³ *Id.* at para. 19.

⁴ *See id.* at para. 30.

terrestrial wireless services and ESVs, with no apparent deleterious effects. There does not appear to be a problem that would warrant the imposition of restrictive technical requirements.⁵

C. A Pre-WRC Rulemaking Would Likely Duplicate Efforts to Implement the WRC Proceedings.

Moreover, at this time, various committees of the International Telecommunications Union (“ITU”), in preparation for the next WRC, have been diligently and successfully analyzing the technical issues relating to band-sharing between ESVs and terrestrial fixed services. At the same time, these committees have been considering the international regulatory issues raised by ESVs, which have global range and which frequently result in the presence within the 12-mile territorial waters of one country of an ESV operated by an operator from a second country on a ship flagged by yet a third country. There has been substantial input in these meetings by representatives of both the U.S. government and U.S. private industry.

Given that there appears to be no pressing interference problem in need of immediate resolution in the U.S., and the substantial technical progress being achieved in the international forum, it would be premature for the Commission to consider a comprehensive U.S. regulatory regime prior to the conclusion of the ITU proceedings. Here there is no need for a “rush to judgment.” The Commission’s frequent practice of using a post-WRC FCC rulemaking proceeding to address implementation of WRC decisions will afford the Commission a better record on which to base regulations should any be required.

⁵ Fixed service advocates of heavy regulation of ESVs claim that the regulation is essential, but rather than demonstrate that ESV interference is a current problem frustrating the operation and deployment of terrestrial wireless operations, terrestrial operators state only that ESV-caused interference is difficult to detect. *Id.* at para. 30. Harris MCS would be pleased to meet with terrestrial service operators to discuss ways in which to resolve actual problem situations. Rather than expending its resources on a massive inquiry or rulemaking proceeding, the Commission may wish to consider holding workshops in which the concerns could be aired, although similar efforts are underway as part of the WRC preparatory effort.

A rulemaking proceeding now would be inefficient and would likely duplicate the effort needed following the WRC. ESVs offer a global service essential to the modern world, and their deployment and development should be addressed on a global basis rather than through a worldwide patchwork of domestic regulations.

CONCLUSION

Harris MCS respectfully submits that the Commission should defer holding additional proceedings concerning the regulation of ESVs pending completion of the ITU proceedings relating to the forthcoming WRC. The Commission's current non-interference regulatory approach has been highly successful in ensuring that the issue of interference between ESVs and terrestrial fixed service users operating in the C-band is one of theory, not fact. In this context, it would be neither necessary nor appropriate for the Commission to commence a regulatory proceeding that would involve the expenditure of scarce Commission resources to develop rules that could require immediate post-WRC revision, and that have not been shown to be necessary in the first place.

Harris MCS reiterates its commitment to working with the Commission and other interested parties to ensure the continued compatibility of co-frequency ESV and fixed service operations.

Respectfully submitted,

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